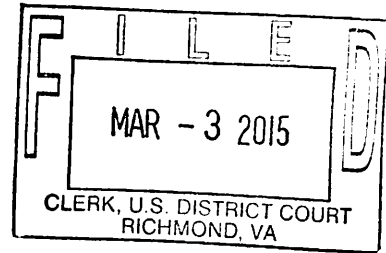


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOHN KEITH SMITH,

Petitioner,

V.

HAROLD W. CLARKE,

Respondent.

Civil Action No. 3:13CV856

FINAL ORDER

(Adopting Report and Recommendation and Dismissing Action)

In accordance with the accompanying Memorandum Opinion, it is hereby

ORDERED that:

1. Smith's objection is **OVERRULED**.
2. The Report and Recommendation is **ACCEPTED** and **ADOPTED**.
3. The Motion to Dismiss (ECF No. 18) is **GRANTED**.
4. Smith's claims and the action will be **DISMISSED**.
5. The Clerk is **DIRECTED** to attach a copy of the Report and Recommendation (ECF No. 33) to this Final Order.
6. The Clerk is **DIRECTED** to place ECF Nos. 34, 35, 38, 40–43 under seal.
7. The Clerk will prepare a redacted version of ECF Nos. 34, 35, 38, 40–43.

Should Smith desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to Smith.

It is so ORDERED.

Date: March 3, 2015
Richmond, Virginia

How

/s/

Henry E. Hudson
United States District Judge